

STATE OF SOUTH CAROLINA )

COUNTY OF FLORENCE )

VERDON ALLEN SMITH, )

Plaintiff, )

vs. )

DECKER TRUCK LINE, INC., )

Defendant. )

IN THE COURT OF COMMON PLEAS

TWELFTH JUDICIAL CIRCUIT

Civil Action No. 2021-CP-21-

SUMMONS FOR RELIEF

COMPLAINT SERVED

(Jury Trial Demanded)

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is hereby served upon you, and to serve a copy of your answer to the said Complaint on the subscribers at their offices at 403 Second Loop Road, Florence, S.C. within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint and judgment by default will be rendered against you.

WUKELA LAW FIRM

BY: 

STEPHEN J. WUKELA

SC BAR No. 60351

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843-669-5634

DATED: February 12th, 2021

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	TWELFTH JUDICIAL CIRCUIT
COUNTY OF FLORENCE	)	Civil Action No. 2021-CP-21-
VERDON ALLEN SMITH,	)	
	)	
Plaintiff,	)	
	)	COMPLAINT
vs.	)	(JURY TRIAL DEMANDED)
	)	
DECKER TRUCK LINE, INC.,	)	
	)	
Defendant.	)	

The Plaintiff, Verdon Allen Smith, by and through his undersigned counsel, hereby makes the following claims and allegations:

**JURISDICTION:**

1. That the Plaintiff is a citizen and a resident of the County of Florence, State of South Carolina.
2. That the Plaintiff is informed and believes that the Defendant, Decker Truck Line, Inc., is a corporation organized and existing in a State other than the State of South Carolina.
3. That venue is properly laid in this Court pursuant to § 15-7-30 South Carolina Code of Laws Annotated [Law. Co-op. 1976].

**FACTS:**

4. That on April 17, 2019, the Plaintiff was driving a 2015 Freightliner truck owned by his Employer.
5. That on April 17, 2019, Geoffrey Lamonta Roberson was the driver of a 2017 Peterbilt truck owned by Decker Truck Line, Inc.
6. That on April 17, 2019, Geoffrey Lamonta Roberson was an employee, servant,

and/or agent of Defendant, Decker Truck Line, Inc., acting within the course and scope of his employment and his tortious conduct was imputable to Defendant, Decker Truck Line, Inc., under the doctrine of respondeat superior.

7. That on or about April 17, 2019, the Plaintiff, Verdon Allen Smith, was traveling North on Interstate 95 in Florence County, South Carolina, when Geoffrey Lamonta Roberson improperly merged onto North Interstate 95 from the shoulder, causing a collision with the Plaintiff, and further causing the Plaintiff injuries and damages as hereinafter set out.

8. That Geoffrey Lamonta Roberson's, actions, and failures to act, amount to negligence, carelessness, recklessness, gross negligence, and willful and wanton conduct in the following particulars, to-wit:

- (a) Failing to exercise the degree of caution a reasonable or prudent person would have used under the circumstances then and there existing;
- (b) Failing to yield the right of way to the Plaintiff;
- (c) Failing to keep a proper lookout;
- (d) Failing to maintain proper control;
- (e) Failing to maintain adequate lights on the vehicle he was driving;
- (f) Failing to warn the Plaintiff of the impending danger.

9. That the Defendant, Decker Truck Line, Inc.'s, actions, and failure to act, amount to negligence, carelessness, recklessness, gross negligence, and willful and wanton conduct in the following particulars, to-wit:

- (a) Failing to train and supervise its Employee to exercise the degree of caution a reasonable or prudent person would have used under the circumstances then and there existing;

- (b) Failing to train and supervise its employee to keep a proper lookout; to maintain proper control; and to properly enter the Interstate;
- (c) Failing to maintain adequate lights on the vehicle its Employee was driving.

All of the above being in violation of the statute and case law of the State of South Carolina.

10. That as a direct and proximate result of Defendant, Decker Truck Line, Inc.'s, negligence, carelessness, recklessness, gross negligence, and willful and wanton conduct, and of the negligence, carelessness, recklessness, gross negligence, and willful and wanton conduct of Mr. Roberson, imputed to Decker Truck Line, Inc. by operation of the doctrine of respondeat superior, the Plaintiff has suffered injuries and damages as hereinafter set out.

**DAMAGES:**

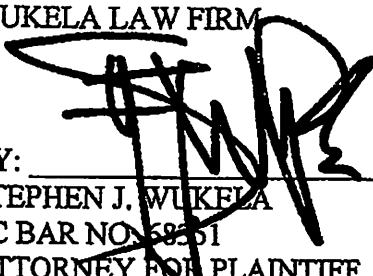
11. That as a direct and proximate result of the above set out acts and omissions of the Defendant, Decker Truck Line, Inc., and of the negligence, carelessness, recklessness, gross negligence, and willful and wanton conduct of Mr. Roberson imputed to Defendant, Decker Truck Line, Inc., Plaintiff was damaged in the following particulars:

- (a) Actual and Consequential damages resulting from Personal Injury, to-wit:
  - (1) disability, past and future;
  - (2) pain and suffering, past and future;
  - (3) stress, anguish and anxiety, past and future;
  - (4) medical costs, past and future;
  - (5) lost wages, past and future.

12. That, in addition, the Plaintiff is informed and believes that he is entitled to an award of punitive damages in an amount to be determined by a jury.

WHEREFORE, the Plaintiff prays judgment for actual, consequential, and punitive damages against the Defendant, Decker Truck Line, Inc., in an amount to be determined by a jury.

WUKELA LAW FIRM

  
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February 24, 2021

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